

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
APPEAL FROM ORDER NO.747 OF 2005

Indus Video Ltd.

Appellant

Vs.

Balaji Telefilms Ltd.

Respondent

Mr.H.N.Thakare i/b. Thakore Jariwala & Associates
for appellant.

Mr.Tushar Bhavsar for respondent.

CORAM: B.H.MARLAPALLE,J.
July 14, 2005.

P.C.

. It is stated across the bar that the cause of action in S.C.Suit (Stamp) No.2525 of 2005 does not survive any further with the passage of time and the order impugned in this appeal passed below the draft Notice of Motion also operated for a limited period. In these circumstances, the learned counsel for the appellant states that the appeal has become infructuous at this point of time and, therefore, he seeks leave to withdraw the same but without prejudice to his rights and contentions to defend the pending notice of motion taken out for an action under Order XXXIX Rule 2A of the Code of Civil Procedure.

. Leave granted. The appeal is disposed off as
withdrawn but without prejudice to the rights and
contentions of the respective parties.

(B.H.MARLAPALLE,J.)